IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8971 of 1994
With
SPECIAL CIVIL APPLICATION No. 2771 of 1994

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MORARNARSINHBHAICHAVDA - Petitioner(s)
Versus
G.S.R.T CORPORATION & 2 - Respondent(s)

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Appearance :

MR MUKESH H RATHOD for Petitioner No(s).: 1.

RULE SERVED for Respondent No(s).: 1,2.
MR PRANAV G DESAI for Respondent No(s).: 1,2.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 05/07/2005

ORAL JUDGMENT

1.0 The petitioner workman has challenged the order dated

09.11.1993 passed by the Industrial Tribunal, Rajkot, in Reference (ITR) No.311 of 1988, whereby the said reference was allowed.

2.0 The petitioner workman herein was working as a Conductor with the respondent Corporation. On 06.12.1979, while the petitioner workman was on duty, the bus was checked by the checking squad of the respondent Corporation and certain irregularities were found by the squad in the issuance of tickets. Charge-sheet was issued to the petitioner workman and departmental inquiry was held against him. Since the charges against the petitioner workman were proved, the competent authority of the respondent Corporation imposed a penalty by putting him on the basic pay of a Conductor for five years.

2.1 Feeling aggrieved by the said order, the petitioner workman raised a dispute by way of a reference. The Industrial Tribunal, vide order dated 09.11.1993, modified the order passed by the competent authority of the respondent Corporation. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. The Tribunal has modified the penalty imposed by the competent authority of the respondent Corporation by imposing a penalty of stoppage of two increments with permanent effect. The Tribunal has passed the said order mainly on the ground that if the penalty imposed by the competent authority of the respondent Corporation was not modified, it would cause great financial burden on the petitioner workman. In my opinion, the Tribunal was justified in modifying the penalty imposed by the competent authority of the

respondent Corporation. I am in complete agreement with the reasonings given by the Tribunal in its impugned order and find no reason to interfere in this petition.

4.0 In above view of the matter, this petition is dismissed. The impugned order of the Industrial Tribunal is confirmed. The respondent Corporation is directed to implement the order of the Industrial Tribunal within a period of two months from the receipt of writ of this order. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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